

SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

Chambers of
GINGER E. GARRETT
JUDGE

COURTHOUSE ANNEX
SAN LUIS OBISPO, CA 93408

TO: SAN LUIS OBISPO COUNTY BAIL SCHEDULE HOLDERS
LAW ENFORCEMENT AGENCIES

SUBJECT: 2009 SAN LUIS OBISPO COUNTY COMPLETE BAIL SCHEDULE
(Felony, Misdemeanor and Infraction)

1. San Luis Obispo County Bail Schedule Holders

This bail schedule was approved by the judges of the Superior Court of California, County of San Luis Obispo, and effective January 01, 2009.

2. Law Enforcement Agencies

Prevailing legislation places the burden on law enforcement agencies to notify the magistrate if the scheduled bail is not adequate for the crime.

It is recommended that each agency make their personnel cognizant of 1270.1 Penal Code as certain provisions may apply if bail modification occurs.

Also, paraphrased below is Penal Code section 1209c.

1269c PC. Orders setting bail in excess of, or less than, schedule amount. If a defendant is arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member of a victim, of domestic violence, the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support [of a higher bail].

Dated: December 23, 2008

Ginger E. Garrett
Superior Court Judge

2009 BAIL SCHEDULE

- A. The Bail Schedule shall be applicable throughout San Luis Obispo County and is applicable to all arrests without a warrant for bailable offenses.
- B. Persons not entitled to be released on bail are those charged with:
1. Capital crimes (i.e. murder with special circumstance), when the facts are evident or the presumption great. Penal Code section 1270.5 & California Constitution, Article 1, Section 12(a).
 2. Felony offenses involving act of violence on another person when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or
 3. Felony offenses when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released. California Constitution, Article 1, Section 12(c).
- C. Bail for offenses involving larceny under the Penal Code, as listed in this schedule (e.g. P.C. 487, 496, 504, etc.), is the scheduled amount or the amount of [loss], whichever is higher. This policy is also to apply to fraud type offenses of other Codes (e.g. Insurance Code, Revenue and Taxation Code, etc.) for which no presumptive bail is specified in this schedule, at the presumptive bail for top term potential, below, or the amount of loss, whichever is higher.
- D. Bail for enhancements listed should be added to the base bail for the listed crime.
- E. For all offenses and enhancements for which no presumptive bail is specified in this schedule, the presumptive bail shall be set according to state prison top term potential for the offense plus enhancement:

Top term 3 years	20,000
Top term 4 years	25,000
Top term 5 years	30,000
Top term 6 years	35,000
Top term 7 years	40,000
Top term 8 years	45,000
Top term 9 years	50,000
Top term 10 years	55,000
Top term 11 years	65,000

Top term 12 years	70,000
Top term 13 years	75,000
Top term 14 years	80,000
Top term 15 years	90,000
Top term 16 years	100,000
All life sentences	1,000,000

F. Penal Code Section 1270.1 prohibits the release of an arrestee on bail in an amount OTHER THAN THAT SET FORTH ON THE BAIL SCHEDULE prior to a hearing *in open court* for:

1. Violent felonies as described in Penal Code section 667.5(c), but not 450(a);
2. Serious felonies as described in Penal Code section 1192.7(c) (including those listed in Penal Code section 1192.8); and
3. Violations of Penal Code sections 136.1(c), 243(e) (1), 262, 273.5, 273.6, 422 (as a felony), and 646.9.

G. Bail Limit for Multiple Offenses – A bail limit for a case with multiple charges will be established as follows:

1. Felony only. The highest bail amount for any one felony offense, plus enhancement, will apply unless multiple offenses are separate incidents. If multiple incidents charged, bail can be stacked. (Example: 2 separate PC459, first degree charged; \$50,000 each incident, times two incidents= \$100,000 total bail).
2. Felony with misdemeanor or infraction violations. The highest bail amount for any one felony offense, plus enhancement, will apply. Misdemeanor and infraction bails will not be considered.

H. Holds for Out-of-County charges – The bail schedule will apply to holds placed for out-of-county charges when no amount has been previously established or shown on a warrant.

I. Violation of Probation –

1. Arrest without a warrant shall have NO BAIL if violation is for FELONY PROBATION.
2. Bail will be set at \$15,000.00 if violation is a MISDEMEANOR PROBATION.

J. All references to a code section shall include all subsections thereof unless a specific bail is set forth for a particular subsection.

K. Revision/Additions to the Bail Schedule

The following procedure is established to make interim changes to the bail schedule without a formal meeting of the bail committee:

1. The staff will present to the Criminal Team lead judge all proposed interim changes to the approved bail schedule.
2. When the changes have been approved, a revised page for the bail schedule or the entire updated bail schedule will be distributed to all agencies holding authorized copies. Additionally, the updated information will be available on the Court's website.

A. DETERMINING MISDEMEANOR BAIL

1. If bail cannot be set as listed in the attached bail schedule, then the bail shall be \$2,000 for all violations of statutes, regulations or ordinances.

B. DETERMINING INFRACTION BAIL

1. If bail cannot be set as listed in the attached bail schedule, then the bail shall be \$200 for all violations of statutes, regulations or ordinances, except that if the minimum fine for the offense is greater than or less than \$200 the bail shall be the amount of the minimum fine.

C. If a Mandatory Appearance is not required, bail may be forfeited in lieu of appearance.

D. Additions to Superior Court Case Management System.

1. When it is necessary to add a new violation to the Superior Court case management system bail maintenance table, court staff will refer to Section A and B above.

E. Bail Limit for Multiple Felony/Misdemeanor Offenses.

1. The highest bail amount for any one offense will apply.